

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
EXECUTIVE COMMITTEE  
MINUTES OF PUBLIC HEARING**

DATE..... July 7, 2004  
TIME..... 4:30 P.M.  
PLACE ..... CO. OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

Mark Hermodson  
KD Benson  
Robert Bowman  
Steve Schreckengast  
David Williams  
Gary Schroeder  
Dr. Carl Griffin

**NON-VOTING MEMBERS**

Mike Smith

**STAFF PRESENT**

Sallie Fahey  
Margy Deverall  
Kathy Lind  
Jay Seeger, Atty.  
Michelle D'Andrea  
Bianca Bullock

Mark Hermodson called the meeting to order.

**I. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes of the June 2, 2004, Executive Committee public hearing as submitted. Dave Williams seconded and the motion carried by voice vote.

**II. NEW BUSINESS**

Sallie Fahey informed the Committee that **S-3507-THE OAKS SUBDIVISION (Minor Sketch)**, would need to be continued to the July 21, 2004 Area Plan Commission public meeting because consent has not yet been given from the owner or a letter received from American Suburban that they can serve the property. Also needing to be continued to the July 21, 204 meeting is **S-3520-STANDIFORD SUBDIVISION (Minor Sketch)**, because the wrong legal description was mailed as part of the interested persons mailing, and **S-3534-RICKS SUBDIVISION (Minor Sketch)**, because an incorrect meeting time was on the notice to interested persons. Waiting on proof of publication is **S-3509-MCALISTER SUBDIVISION (Minor Sketch)**. The surveyor has asked to move it to the end of the agenda.

Gary Schroeder moved to continue **S-3507-THE OAKS SUBDIVISION, S-3520-STANDIFORD SUBDIVISION**, and **S-3534-RICKS SUBDIVISION** to the July 21, 2004 Area Plan Commission meeting. Dave Williams seconded the motion and the vote carried by voice vote.

Gary Schroeder moved to place **S-3509-MCALISTER SUBDIVISION** at to the end of the agenda. Dave Williams seconded and the motion carried by voice vote.

**A. Final Detailed Plans**

- 1. RESOLUTION PD 04-20: WILLIAMS RIDGE PLANNED DEVELOPMENT (Z-2169):**  
Final Detailed Plans (construction plans only) for 13 single-family lots, 1 commercial lot and 2 outlots located on 4<sup>th</sup> Street, north of the entrance into Saw Mill Run in Lafayette, Fairfield 32 (NW) 23-4. CONTINUED FROM THE JUNE EXECUTIVE COMMITTEE MEETING BY PETITIONER'S REQUEST.

Gary Schroeder moved to hear and approve the above-described request. Dave Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of approval.

Joseph T Bumbleburg, PO Box 1535 Lafayette, IN 47902, attorney for the petitioner, concurred with the staff report and requested approval.

The Committee voted by ballot 7 yes to 0 no to approve on **RESOLUTION PD 04-20: WILLIAMS RIDGE PLANNED DEVELOPMENT.**

**2. RESOLUTION PD 04-21: GREENTREE @ WEST LAFAYETTE, PLANNED DEVELOPMENT, PHASE 2 (Z-2161):**

Final Detailed Plans (construction plans only) for a 3-story expansion project to add twenty-four 1-bedroom and studio residential units to the existing assisted living building, located at the northeast corner of Kalberer and Salisbury, West Lafayette, Wabash 6 (NE) 23-4.

Gary Schroeder moved to hear and vote on the above-described request. Dave Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of approval.

Joseph Bumbleburg concurred with the staff report and asked for approval.

The Committee voted by ballot 7 yes to 0 no to approve **RESOLUTION PD 04-21: GREENTREE @ WEST LAFAYETTE PLANNED DEVELOPMENT.**

**3. RESOLUTION PD 04-22: RAVENSWOOD AT HICKORY RIDGE PLANNED DEVELOPMENT, PHASE 2 (Z-2151):**

Final Detailed Plans (final plat only) for 80 units in 20 four-plex condominium buildings on 28.64 acres. The site is located on the west side of Concord Road between CR 430 S and CR 500 S, Wea 15 (SW) 23-4.

Gary Schroeder moved to hear and vote on the above-described request. Dave Williams seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of approval.

Alan White, 711 S. White St. Lafayette, IN 47905, concurred with staff report and asked for approval.

The Committee voted by ballot 7 yes to 0 no to approve **RESOLUTION PD 04-22: RAVENSWOOD AT HICKORY RIDGE PLANNED DEVELOPMENT, PHASE 2.**

### **III. PUBLIC HEARING**

Gary Schroeder moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Dave Williams seconded and the motion carried by voice vote.

#### **A. Subdivisions**

**1. S-3510—COLLIER SUBDIVISION (Minor-Sketch):**

Petitioners are seeking primary approval for a 2-lot subdivision (and one outlot) on 4.595 acres, located at the northwest corner of CR 400 N and CR 625 E, in Washington 32 (SW) 24-3. **REQUIRED TO BE RE-HEARD AFTER THE APPROVAL GRANTED AT THE JUNE EXECUTIVE COMMITTEE MEETING WAS VOIDED DUE TO AN ERROR IN THE INTERESTED PARTIES NOTICE.**

Gary Schroeder moved to hear and vote on the above-described request. Dave Williams seconded the motion.

Kathy Lind presented slides of the zoning map, aerial photo, and development plan. She read the staff report with recommendation of conditional primary approval contingent on the following:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the CR 400 N and CR 625 E right-of-way lines.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
7. The purpose and ownership of the outlot shall be specified.

Ron Wharry, 52 W. Clinton St. Lafayette, IN 46041, surveyor for the petitioner, concurred with the staff report and asked for approval

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3510—COLLIER SUBDIVISION (Minor-Sketch)**.

**2. S-3529—TIPPECANOE MALL MINOR SUBDIVISION #5 (Minor-Sketch):**

Petitioner is seeking primary approval for a 1-lot subdivision of 0.536 acres, where the old Noble Roman's restaurant is located at 2219 Sagamore Parkway South, Lafayette, Fairfield 34 (SE) 23-4.

Gary Schroeder moved to hear and vote on the above-described request. Dave Williams seconded the motion

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. A "No Vehicular Access" statement shall be platted along the US 52 right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document number and date recorded).
3. An off-site parking approval shall be granted by the Administrative Officer of Lafayette for ten off-site parking spaces in favor of Lot 1 per UZO Section 4-6-11 (d). The recordation information shall be referenced on the final plat.
4. All required and/or varied building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Joseph Bumbleburg, concurred with the staff report. He presented the offsite parking agreement to the staff. He explained that this agreement would fulfill condition #3. He then asked for approval.

Carl Griffin asked to verify the size of the parking spaces.

Joseph Bumbleburg responded by saying that the petitioner had not requested a parking variance for size, only a Board of Zoning Appeals variance for offsite parking.

Dave Williams verified that on the staff report the spaces were, indeed, 9' x 20'.

Sallie Fahey confirmed.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3529—TIPPECANOE MALL MINOR SUBDIVISION #5 (Minor-Sketch).**

4. **S-3531—DONALD C. BROWN MINOR SUBDIVISION (Minor-Sketch):**

Petitioners are seeking primary approval for a 1-lot subdivision of 0.854 acres located at 545 W CR 900 N, Tippecanoe 6 (SW) 24-4.

Gary Schroeder moved to hear and vote on the above-described request. Dave Williams seconded the motion.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.
5. The perimeter drainage easement required by the County Health Department shall be recorded and referenced on the final plat.
6. The existing driveway shall be labeled "to be removed upon completion of a new driveway".

Paul Coutts, C & S Engineering, 1719 Monon Avenue, Lafayette, IN, concurred with the staff report. He mentioned that the driveway will not move, as stated in the condition #6. He then asked for approval.

Gary Schroeder moved to strike condition #6. Dave Williams seconded and the vote carried by voice vote.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval as amended **S-3531—DONALD C. BROWN MINOR SUBDIVISION (Minor-Sketch).**

5. **S-3532—FAMILY VIDEO SUBDIVISION (Minor-Sketch):**

Petitioner is seeking primary approval for a 3-lot replat of Lots 1, 2, 3, and 4 of Dahnke's Minor Subdivision totaling 1.89 acres, located at the southeast corner of Earl and Union Streets, Lafayette, Fairfield 22 (SW) 23-4.

Gary Schroeder moved to hear and vote on the above-described request. Dave Williams seconded the motion.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. The existing 70' long "No Vehicular Access" statement shown on the final plat of Dahnke's Minor Subdivision for both Union and Earl must be shown on the final plat and extended along Union Street to the east to the location of the city-approved driveway entrance for the new use on Lot 2.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded). If any drainage easements are required by the city, they must also be shown.
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Paul Coutts concurred with the staff report and asked for approval.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3532—FAMILY VIDEO SUBDIVISION (Minor-Sketch).**

6. **S-3533—HILLTOP MINOR SUBDIVISION (Minor-Sketch):**

Petitioner is seeking primary approval for a 3-lot subdivision of 3.418 acres, formerly University Motors, located at 200 Sagamore Parkway West, West Lafayette, Wabash 7 (NE) 23-4.

Gary Schroeder moved to hear and vote on the above-described request. Dave Williams seconded the motion.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. The street addresses and County Auditor's Key Number shall be shown.
4. A new access and utility easement platted along the west property line unless Lots 2 and 3 are platted as one lot.
5. A 20' wide bufferyard platted along the north line of Lots 1 and 3 if the PD has not been recorded prior to the final plat for Lots 1 and 3. If the PD has been recorded, then only the bufferyard on Lot 3 shall be shown.

Paul Coutts concurred with the staff report and asked for approval.

KD Benson asked when the Commission will know whether the lot is platted as two or three lots.

Sallie Fahey stated that when the final plat is filed, the decision regarding number of lot divisions will be made, as non-residential subdivisions have that flexibility.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3533—HILLTOP MINOR SUBDIVISION (Minor-Sketch)**

7. **S-3509—McALISTER SUBDIVISION (Minor-Sketch):**

Petitioner is seeking primary approval for a 3-lot subdivision on 2.21 acres, located between US 52 and CR 600 E, just south of their intersection, in Sheffield 20 (SW) 22-3. CONTINUED FROM THE JUNE EXECUTIVE COMMITTEE MEETING DUE TO AN ERROR IN THE INTERESTED PARTIES NOTICE.

Gary Schroeder moved to hear and vote on the above-described request. Dave Williams seconded the motion.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the US 52 and CR 600 E right-of-way lines.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Ron Wharry, concurred with the staff report and asked for approval.

Mark Hermodson asked if the third lot will be non-conforming.

Sallie Fahey replied that one of the two houses on the lot is not in good shape. At some point that house will be removed, leaving only one on the property. Permission has been granted for the two houses to share the lot because the situation improves conformity.

KD Benson asked if the house can be replaced once it is removed.

Sallie Fahey replied negatively.

KD Benson then inquired if the owners were aware that they may not rebuild the house.

Sallie Fahey replied affirmatively.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3509—McALISTER SUBDIVISION (Minor-Sketch)**.

#### **IV. APPROVAL OF THE JULY 21, 2004 APC PUBLIC HEARING AGENDA PUBLIC HEARING**

##### **A. NEW BUSINESS**

Gary Schroeder moved that the following items of New Business be placed on the July 21, 2004 Area Plan Commission meeting agenda.

**RESOLUTION 03-01**

**RESOLUTION T-04-4**

**RESOLUTION T-04-5**

**RESOLUTION T-04-6**

##### **B. REZONING ACTIVITIES**

Gary Schroeder moved that the following ordinance amendment and rezone petitions be placed on the July 21, 2004 Area Plan Commission Public Hearing Agenda:

**UZO AMENDMENT #44**

**Z-2176 – WABASH VILLAGE, INC. (GB TO PDNR)**

**Z-2183 – ROBERT D. & JUDITH K. GLENN (NB & R1 TO I3)**

**Z-2184 – JANICE K. NIELSEN (R3 TO NB)**

**Z-2187 - G & L DEVELOPMENT (AW TO R1 & R1A)**

**Z-2189 – ROBERT PEDIGO (A TO I3)**

**Z-2190 – TJD DEVELOPMENT, LLC (Sawmill Run Phase 9 PD) (PDMX TO PDRS)**

**Z-2191 – O'MALLEY & O'MALLEY, LLC (McCormick Place) (PDRS & R1 TO PDRS)**

**Z-2192 – WILLIAM FLEISCHHAUER (Chauncey Square PD) (R3W TO PDMX)**

**Z-2193 – RMD PROPERTIES (Hilltop PD) (NB TO PDNR)**

**Z-2194 – STEVE FIRESTONE (I3 TO GB)**

**Z-2195 – CARR FAMILY FARM, LLC (R1 TO HB)**

**Z-2196 – KOMARK BUSINESS COMPANY (R3 TO NB)**

Dave Williams seconded and the motion carried by voice vote.

##### **B. SUBDIVISIONS**

Gary Schroeder moved that the following subdivision petitions be placed on the July 21, 2004 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-3461 – BARR MINOR SUBDIVISION (MINOR SKETCH)**

**S-3537 – BROOKS SUBDIVISION (MINOR SKETCH)**

**S-3538 – LAUREN LAKES (MAJOR PRELIMINARY)**

**S-3540 – DAUGHERTY COMMERCE CENTER, PART 2 (MAJOR PRELIMINARY)**

**S-3541 – MASON'S RIDGE (MAJOR PRELIMINARY)**

**S-3542 – WINDING CREEK, SECTION 4 (MAJOR PRELIMINARY)**

Dave Williams seconded and the motion carried by voice vote.

**V. REVIEW AND APPROVAL OF THE JULY ABZA PUBLIC HEARING AGENDA**

Gary Schroeder moved to place the following petitions on the July 28, 2004 Area Board of Zoning Appeals Public Agenda:

**BZA-1670 – ERIC S. & DONNA S. FERGASON**

**BZA-1671 – CINGULAR WIRELESS**

Dave Williams seconded and the motion carried by voice vote.

Gary Schroeder moved that **BZA-1671 – CINGULAR WIRELESS** petition for special exceptions does not substantially adversely affect the comprehensive plan. Dave Williams seconded and the motion carried by voice vote.

**VI. DETERMINATION OF VARIANCES**

**A. LAFAYETTE DIVISION OF THE AREA BOARD OF ZONING APPEALS**

Gary Schroeder moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

**2004-23 SPIRE GROUP, LLC.**

**2004-24 RTM INDIANAPOLIS, INC.**

**2004-25 CHARLES M. RILEY**

**2004-26 HAWKINS OUTDOOR**

**2004-27 HAWKINS OUTDOOR**

**2004-28 HAWKINS OUTDOOR**

**2004-29 JANICE K. NIELSEN**

**2004-30 MAN YEUNG**

**2004-31 STEVEN FIELDS**

Dave Williams seconded and the motion carried by voice vote.

Gary Schroeder moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

**2004-24 RTM INDIANAPOLIS, INC.**

**2004-26 HAWKINS OUTDOOR**

**2004-27 HAWKINS OUTDOOR**

**2004-28 HAWKINS OUTDOOR**

**2004-30 MAN YEUNG**

Dave Williams seconded and the motion carried by voice vote.

**VII. REVIEW AND APPROVAL OF THE JUNE BUDGET REPORT**

Sallie Fahey reviewed the June Budget Report. Upon prior mention to the Budget and Personnel Committee, one thousand dollars from the Blueprint and Photocopy budget was transferred to Travel and Training budget to cover the cost of mileage for the land use survey.

Gary Schroeder moved to accept the June 2004 Budget Report as submitted. Robert Bowman seconded and the motion carried by voice vote.

**VIII. OTHER BUSINESS**

Sallie Fahey introduced the new recording secretary, Bianca Bullock.

Several members welcomed Bianca.

**IX. ADJOURNMENT**

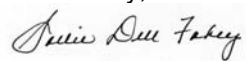
Carl Griffin moved to adjourn the meeting. Dave Williams seconded and the motion carried by voice vote. The meeting adjourned at 5:30 P.M.

Respectfully submitted,

*Bianca Bullock*

Bianca Bullock  
Recording Secretary

Reviewed by,

A handwritten signature in cursive script, reading "Sallie Dell Fahey", written in black ink on a light-colored background.

Sallie Dell Fahey  
Executive Director